

REMARKS

Claims 1-93 were pending. By virtue of this response, claims 1, 7-10, 24, 30-34, 47, 53-57, and 91-93 are amended, and claims 69-90 are cancelled. Therefore, claims 1-68 and 91-93 are presently pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

Claim Rejections Under 35 USC § 112

Claims 7, 30, and 53 are rejected under 35 USC § 112, second paragraph, because there is insufficient antecedent basis for “the beacon data.”

In response, claims 7, 30, and 52 have been amended.

Claims 9-10, 32-33, and 55-56 are rejected under 35 USC § 112, second paragraph, because there is insufficient antecedent basis for “the first and second.”

In response claims 9-10, 32-33, and 55-56 have been amended.

Accordingly, Applicants respectfully request the rejections of claims 7, 9-10, 30, 32-33, 53, and 55-56 under 35 USC § 112, second paragraph, be withdrawn.

Claim Rejections Under 35 USC § 102

Claims 1-5, 9-15, 23-28, 32-39, 46-51, 55-61 and 91-92 are rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Nasshan et al. (hereinafter “Nassahan”; EP0876008).

Applicants respectfully disagree. Claim 1 recites, among other things, “[a] method for supporting of a plurality of chip rates in a code division multiple access (CDMA) system between a plurality of user equipment (UE) sharing a plurality of timeslots in a frame, the method comprising: allocating to a UE at least a first timeslot of the plurality of timeslots in the frame at a first chip rate

of the plurality of chip rates based on a chip rate capability of the UE.” (Emphasis added). In contrast to bit rate, chip rate is the rate of a spreading code.

In contrast to the claims, Nasshan discloses changing, or adapting, a “bit rate” by updating radio interface parameters. In particular, the “number of time slots M or the spreading factor Q ” is changed to adapt a bit rate (col. 2, lines 45-46). This is described, for example, in col. 5, lines 34-47 as follows:

The more time slots t_s and the more CDMA codes are assigned to a user, the higher the possible data communication rate (bit rate) for this user.

An alternative solution is a variation of the spreading factor Q according to Fig. 4a and 4b. A constant chip duration T_{chip} is assumed. the number of chips per data symbol d is adapted for a double bit rate compared to Fig. 2 by using a spreading factor of $Q'=Q/2$. If the spreading factor (number of chips per symbol) is fixed at $Q'=2Q$ the bit rate is halved. Since the burst duration and the chip duration T_{chip} are constant, the doubling or halving of the number of data symbols d per halfburst is equal to a variation of the bit rate. (Emphasis added).

Thus, since a spreading factor is a proportion of chip rate to bit rate, changing the spreading factor allows a change in bit rate. Therefore, Nasshan, at least, fails to disclose or suggest “a plurality of chip rates” as recited in claim 1. Furthermore, even if Nasshan disclosed a plurality of chip rates, Nasshan fails to disclose “allocating to a UE at least a first timeslot of the plurality of timeslots in the frame at a first chip rate of the plurality of chip rates based on a chip rate capability of the UE.” (Emphasis added)

For at least the foregoing reasons, Applicants submit claim 1 is allowable over Nasshan. Independent claims 24, 47, and 69 have been amended similarly to claim 1. Therefore, Applicants submit claims 24, 47, and 69 are also allowable over Nasshan.

Accordingly, Applicants submit each of the claims 2-23, 25-46, 48-48, and 70-93, each of which is dependent from one of base claims 1, 24, 47, or 69, is allowable over Nasshan.

Therefore, Applicants respectfully request reconsideration and allowance of claims 1-93.

Claim Rejections Under 35 USC §103

Claims 6-8, 17-22, 29-31, 40-45, 52-54 and 63-68 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nasshan in view of Fischer (hereinafter “Fischer”; U.S. Pat. No.: 5,371,734).

Applicants respectfully submit claims 6-8, 17-22, 29-31, 40-45, and 52-54 are allowable for at least the reason each depends from and allowable independent claim. Accordingly, Applicants respectfully request reconsideration and allowance of claims 6-8, 17-22, 29-31, 40-45, and 52-54.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 562492004400**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 5, 2009

Respectfully submitted,

By 

Denise H. Wong

Registration No.: 59,622

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.6221
Fax: 415.268.7522